



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2846

Introduced 2/17/2016, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

520 ILCS 5/4.3b new

Amends the Wildlife Code. Provides that it is unlawful for any person subject to the jurisdiction of this State to import animal trophies into, or export the trophy from, this State; take any trophy within this State; possess, sell, deliver, carry, transport, or ship by any means whatsoever any trophy in violation of specified provisions of the Act; deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any trophy; or sell or offer for sale in interstate or foreign commerce any trophy. Provides that the prohibition on import of animal trophies shall not apply when the import is expressly authorized by federal license or permit. Provides that the Department of Natural Resources may permit the import, sale of, offer for sale of, purchase of, barter of, or possession with intent to sell any trophy for bona fide educational or scientific purposes, unless this activity is prohibited by federal law.

LRB099 18127 MGM 42493 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Wildlife Code is amended by adding Section
5 4.3b as follows:

6 (520 ILCS 5/4.3b new)

7 Sec. 4.3b. Animal trophies.

8 (a) As used in this Section:

9 "Trophy" means any whole or portion of any animal
10 carcass that is (1) taken in violation of international law
11 or the United States Endangered Species Act, (2) listed as
12 endangered or threatened under the United States
13 Endangered Species Act, or (3) proposed for consideration
14 to be listed as endangered or threatened under the United
15 States Endangered Species Act, until the animal is removed
16 from the listing, the proposal for the listing is rejected
17 or withdrawn, or it is otherwise lawful to take the animal.

18 (b) It shall be unlawful for any person subject to the
19 jurisdiction of this State to:

20 (1) import any trophy into, or export any trophy from,
21 this State;

22 (2) take any trophy within this State;

23 (3) possess, sell, deliver, carry, transport, or ship

1 by any means whatsoever any trophy in violation of
2 paragraphs (1) or (2) of this subsection (b);

3 (4) deliver, receive, carry, transport, or ship in
4 interstate or foreign commerce, by any means whatsoever and
5 in the course of a commercial activity, any trophy; or

6 (5) sell or offer for sale in interstate or foreign
7 commerce any trophy.

8 (c) It shall be presumptive evidence of possession with the
9 intent to sell when any trophy is possessed in a retail or
10 wholesale outlet commonly used for the buying or selling of
11 similar products, provided, however, that nothing in this
12 subsection (c) shall preclude a finding of intent to sell based
13 upon any other evidence which may serve to independently
14 establish that intent. The act of obtaining an appraisal of any
15 trophy alone shall not constitute possession with intent to
16 sell.

17 (d) A person may convey a trophy to a legal beneficiary if
18 the trophy is part of an estate or other items being conveyed
19 to lawful beneficiaries upon the death of the owner of the
20 trophy or in anticipation of that death.

21 (e) None of the prohibitions set forth in this Section
22 shall apply to employees or agents of the federal or State
23 government undertaking any law enforcement activities under
24 federal or State law or any mandatory duties required by
25 federal or State law.

26 (f) The prohibition on import set forth in subsection (b)

1 of this Section shall not apply when the import is expressly
2 authorized by federal license or permit.

3 (g) The Department may permit, under terms and conditions
4 as the Agency may prescribe, the import of, sale of, offer for
5 sale of, purchase of, barter of, or possession with intent to
6 sell any trophy for bona fide educational or scientific
7 purposes, unless this activity is prohibited by federal law.